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Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

Report of the First Committee

Rapporteur: Mr. Carlos D. **Sorreta** (Philippines)

I. Introduction

1. The item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" was included in the provisional agenda of the fifty-fourth session of the General Assembly in accordance with Assembly resolution 53/81 of 4 December 1998.

2. At its 3rd plenary meeting, on 17 September 1999, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the First Committee.

3. At its 2nd meeting, on 23 September 1999, the First Committee decided to hold a general debate on all disarmament and international security items allocated to it, namely, items 64, 65 and 67 to 85, which was held at the 3rd to 12th meetings, from 11 to 15 and from 18 to 20 October (see A/C.1/54/PV.3-12). Thematic discussions on the items were held, and draft resolutions were introduced and considered, at the 13th to 19th meetings, on 21 and 22 and from 25 to 29 October (see A/C.1/54/PV.13-19). Action on all draft resolutions was taken at the 20th to 27th meetings, on 1, 2, 4, 5, 8 and 9 November (see A/C.1/54/PV.20-27).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Secretary-General (A/54/162);

(b) Letter dated 25 March 1999 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General (A/54/75-S/1999/345);

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(c) Letter dated 5 August 1999 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General, transmitting the report of the Tokyo Forum for Nuclear Non-Proliferation and Disarmament (A/54/205-S/1999/853);

(d) Letter dated 15 October 1999 from the Permanent Representative of South Africa to the United Nations addressed to the Secretary-General, transmitting the communiqué of the meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries, held in New York on 23 September 1999 (A/54/469-S/1999/1063).

II. Consideration of draft resolution A/C.1/54/L.52

5. At the 19th meeting, on 29 October, the representative of Sweden, on behalf of Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Canada, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Liechtenstein, Lithuania, Luxembourg, Monaco, Mongolia, the Netherlands, New Zealand, Nicaragua, Norway, Peru, the Philippines, Poland, Portugal, the Republic of Moldova, Romania, the Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, the former Yugoslav Republic of Macedonia, Togo, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay, introduced a draft resolution entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects" (A/C.1/54/L.52). Subsequently, Bolivia, Brazil, Bulgaria, El Salvador, Estonia, Greece, Guatemala, Haiti, Latvia and Malta joined in sponsoring the draft resolution.

6. The Committee had before it a statement of the programme budget implications of draft resolution A/C.1/54/L.52 submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.1/54/L.54).

7. At its 23rd meeting, on 4 November, the Committee adopted draft resolution A/C.1/54/L.52 without a vote (see para. 8).

III. Recommendation of the First Committee

8. The First Committee recommends to the General Assembly the adoption of the following draft resolution:

Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects

The General Assembly,

Recalling its resolution 53/81 of 4 December 1998 and previous resolutions referring to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects,[1]

[1] See *The United Nations Disarmament Yearbook*, vol. 5: 1980 (United Nations publication, Sales No. E.81.IX.4), appendix VII.

Recalling with satisfaction the adoption, on 10 October 1980, of the Convention, together with the Protocol on Non-Detectable Fragments (Protocol I),[1] the Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II)[1] and the Protocol on Prohibitions or Restrictions on the Use of Incendiary Weapons (Protocol III),[1] which entered into force on 2 December 1983,

Also recalling with satisfaction the adoption by the Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, on 13 October 1995 of the Protocol on Blinding Laser Weapons (Protocol IV),[2] and on 3 May 1996 of the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II),[3]

Recalling that the States parties at the Review Conference declared their commitment to keeping the provisions of Protocol II under review in order to ensure that the concerns regarding the weapons it covers are addressed, and that they would encourage efforts of the United Nations and other organizations to address all problems of landmines,

Recalling also the role played by the International Committee of the Red Cross in the elaboration of the Convention and the Protocols thereto,

Welcoming the additional ratifications and acceptances of or accessions to the Convention, as well as the ratifications and acceptances of or accessions to the amended Protocol II and Protocol IV,

Noting that, in conformity with article 8 of the Convention, conferences may be convened to examine amendments to the Convention or to any of the Protocols thereto, to examine additional protocols concerning other categories of conventional weapons not covered by existing Protocols or to review the scope and application of the Convention and the Protocols thereto and to examine any proposed amendments or additional protocols,

Welcoming the decision of the Review Conference in its Final Declaration[4] adopted on 3 May 1996 to convene a Review Conference no later than 2001,

Noting that, in accordance with article 13 of the amended Protocol II, a conference of States parties to that Protocol shall be held annually for the purpose of consultations and cooperation on all issues relating to the Protocol,

Noting that the provisional rules of procedure of the first annual conference of the States parties to amended Protocol II provide for the invitation of States not parties to the Protocol, the International Committee of the Red Cross and interested non-governmental organizations to take part in the conference,

I

1. *Expresses its satisfaction* that the Protocol on Blinding Laser Weapons (Protocol IV)[2] entered into force on 30 July 1998, commends it to all States with a view to achieving the widest possible adherence to this instrument at an early date and calls, in particular, upon all States parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects[1] that have not yet done so to express their consent to be bound by the Protocol;

[2] CCW/CONF.I/16 (Part I), annex A.

[3] Ibid., annex B.

[4] Ibid., annex C.

2. *Welcomes* the entry into force on 3 December 1998 of the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II),[3] and calls, in particular, upon all States parties to the Convention that have not yet done so to express their consent to be bound by the Protocol;

3. *Notes* the convening, from 15 to 17 December 1999, of the first annual conference of States parties to amended Protocol II, in accordance with article 13 thereof, and welcomes in this context the successful preparatory meeting held by the States parties on 25 and 26 May 1999;

II

1. *Calls upon* all States parties that have not yet done so to notify the Secretary-General, in his capacity as depositary of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to have Indiscriminate Effects[1] and the Protocols thereto, of their consent to be bound by the Protocol on Blinding Laser Weapons (Protocol IV),[2] and by the amended Protocol on Prohibitions or Restrictions on the Use of Mines, Booby Traps and Other Devices (Protocol II);[3]

2. *Welcomes* the convening, from 15 to 17 December 1999, of the first annual conference of States parties to amended Protocol II, in accordance with article 13 thereof;

3. *Calls upon* all States parties to amended Protocol II to address at the conference, *inter alia*, the issue of holding the second annual conference in 2000;

4. *Requests* the Secretary-General to render the necessary assistance and to provide such services as may be required for the second annual conference of States parties to amended Protocol II and for its preparatory committee;

III

1. *Recalls* the decision of States parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects[1] to convene the next review conference no later than 2001, preceded by the preparatory committee;

2. *Requests* the Secretary-General to render the necessary assistance and to provide such services, including summary records, as may be required for the second Review Conference of the States parties to the Convention and its preparatory committee;

3. *Urgently calls upon* all States that have not yet done so to take all measures to become parties, as soon as possible, to the Convention and its Protocols, and in particular to the amended Protocol on Prohibitions or Restriction on the Use of Mines, Booby Traps and Other Devices (Protocol II),[3] with a view to achieving the widest possible adherence to this instrument at an early date, and calls upon successor States to take appropriate measures so that ultimately adherence to these instruments will be universal;

4. *Requests* the Secretary-General, in his capacity as depositary of the Convention and the Protocols thereto, to continue to inform the General Assembly periodically of ratifications and acceptances of and accession to the Convention and its Protocols;

5. *Decides* to include in the provisional agenda of its fifty-fifth session the item entitled "Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects".